

Message Text

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S/S - MR. ORTIZ

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FM SECSTATE WASHDC

TO THE HONORABLE HUGH CAREY

GOVERNOR OF NEW YORK

ALBANY NEW YORK IMMEDIATE

UNCLAS STATE 179411

E.O. 11652: N/A

TAGS: ETRD

SUBJECT:NEW YORK BUY AMERICAN LEGISLATION

1. I UNDERSTAND THAT BILL S-10626 WHICH WOULD WITH CERTAIN EXCEPTIONS REQUIRE THAT MATERIALS, SUPPLIES, AND EQUIPMENT FOR PUBLIC PURCHASE IN NEW YORK MUST BE PRODUCED OR MADE IN WHOLE OR SUBSTANTIAL PART IN THE UNITED STATES, HAS PASSED BOTH HOUSES OF THE NEW YORK LEGISLATURE, AND HAS BEEN SUBMITTED TO YOU FOR SIGNATURE.

2. THE DEPARTMENT OF STATE IS EXTREMELY CONCERNED ABOUT THE TRADE RESTRICTIVE IMPACT OF THIS BILL AND HOPES THAT YOU WILL NOT RPT NOT SIGN IT.

3. THE MEASURE WOULD CONTRIBUTE TO DOMESTIC INFLATION AND RISK RETALIATION BY AFFECTED COUNTRIES AGAINST UNITED STATES

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EXPORTS. IT WOULD JEOPARDIZE THE POSSIBILITY OF OUR

ENTERING INTO SERIOUS NEGOTIATIONS FOR THE REMOVAL OF NON-TARIFF TRADE BARRIERS, PARTICULARLY THOSE CONCERNING GOVERNMENT PURCHASING. OUR GOVERNMENT IS ENDEAVORING TO OBTAIN IMPROVED ACCESS FOR AMERICAN PRODUCTS IN FOREIGN MARKETS, INCLUDING GOVERNMENT PROCUREMENT MARKETS. PROTECTIONIST PROCUREMENT LAWS ENACTMENT IN OUR COUNTRY WOULD BE SELF-

DEFEATING, NOT ONLY BY RAISING BUDGETARY BURDENS AND THE COST OF GOVERNMENTAL SERVICES, BUT ALSO BY DAMAGING DOMESTIC INTERESTS DIRECTLY AND INDIRECTLY INVOLVED IN FOREIGN COMMERCE.

4. THIS BILL ALSO RAISES SERIOUS CONSTITUTIONAL QUESTIONS. THE SUPREME COURT OF THE UNITED STATES HAS CONSISTENTLY HELD THAT THE GRANT BY THE COMMERCE CLAUSE OF THE CONSTITUTION OF CONGRESSIONAL POWER OVER INTERSTATE AND FOREIGN COMMERCE PRECLUDES THE STATES FROM INTERFERING WITH THAT COMMERCE BY PLACING GREATER BURDENS OR RESTRICTIONS ON THE PRODUCTS OF OTHER STATES OR FOREIGN COUNTRIES THAN THEY HAVE PLACED ON THEIR OWN LIKE PRODUCTS. U.S. CONSTITUTION FURTHER PROVIDES STATE SHALL, WITHOUT THE CONSENT OF THE CONGRESS, LAY ANY IMPOSTS OR DUTIES ON IMPORTS OR EXPORTS, EXCEPT WHAT MAY BE ABSOLUTELY NECESSARY FOR EXECUTING ITS INSPECTION LAWS."

5. SINCE ENACTMENT OF THIS BILL WOULD HAVE IMPORTANT ADVERSE IMPLICATIONS FOR THE NATION, I FELT COMPELLED TO WRITE TO YOU ABOUT IT. I URGE YOU TO VETO THIS ILL-CONSIDERED LEGISLATION.

WILLIAM D. ROGERS
UNDER SECRETARY FOR ECONOMIC AFFAIRS
DEPARTMENT OF STATE
WASHINGTON, D.C. KISSINGER

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